IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9106 OF 2005

Mrs.Delferoji D.Dorabji ...Petitioner

Versus

Mr.Darius Marzban Dorabji ...Respondent

Shri S.S.Kanetkar for the Petitioner.
Shri K.M.Irani with Shri A.A. Kocharekar for the Respondent.

CORAM : S.C. DHARMADHIKARI, J.
DATE : JANUARY 10, 2006.

P.C.:

1. Heard learned Counsel appearing for the petitioner. In the light of the order passed by this Court on 27th December, 2005 and subsequent order dated 5th January, 2006 passed by the District & Sessions Judge, Pune, it is not necessary to go into the contentions raised in the petition. This Court has stayed the order passed by the Trial Court granting temporary custody of the minor children to the respondent-husband. The learned Counsel appearing for the respondent-husband, however, contends that the respondent-husband has always been applying for and is anxious to have access to the children. That aspect can always be gone into by the District Judge either in the pending application or on an application being

made or otherwise and neither order passed on 23rd December, 2005 nor the order dated 27th December, 2005 passed in the present Writ Petition, prevents the respondent-husband from applying to the learned District Judge for access to the minor children. Upon such application, being made or remaining pending, the District Judge shall pass appropriate orders thereon, after hearing the petitioner as well as the respondent, in accordance with law. Petition disposed of. However, in the light of the order passed by this Court on 27th December, 2005, it is needless to state that the order impugned in this petition dated 23rd December, 2005 stands set-aside.

(S.C.DHARMADHIKARI,J.)